

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DEENA INDIVIGLIO, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

B&G Foods, Inc.,

Defendant.

Case No: 7:22-cv-09545 (VB)

**NOTICE OF MOTION AND MOTION TO DISMISS COMPLAINT PURSUANT TO
RULES 12(B)(1) AND 12(B)(6)**

TO THE CLERK OF THE COURT AND ALL PARTIES OF RECORD:

PLEASE TAKE NOTICE that Defendant B&G Foods, Inc. will, and hereby does, respectfully move the Court, the Honorable Vincent L. Briccetti presiding, in the United States District Court for the Southern District of New York at the Hon. Charles L. Brieant Jr. Federal Building and Courthouse White Plains, New York, 300 Quarropas Street, Courtroom 620, White Plains, NY 10601-4150 to dismiss Plaintiff's claims pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). This motion is based on this Notice of Motion and Motion, the Memorandum of Law in support thereof, the Declaration of Kirsten Jackson, and on such other written and oral argument as may be presented to the Court.

Dated: March 20, 2023

Respectfully submitted,

/s/ Kirsten Jackson
Kirsten Jackson
BRAUNHAGEY & BORDEN LLP
118 W 22nd Street, 12th Floor
New York, New York 10011
Tel. (646) 829-9403
Email: dooley@braunhagey.com

Tracy O. Zinsou (*admission pending*)
BRAUNHAGEY & BORDEN LLP
351 California Street, 10th Floor
San Francisco, CA 94104
Tel. (415) 599-0210
Email: zinsou@braunhagey.com

*Attorneys for Defendant
B&G Foods, Inc.*